

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BRIAN ALLEN KIBBEY §
v. § CIVIL CASE NO. 4:21-CV-799-SDJ
COLLIN COUNTY DETENTION §
FACILITY, ET AL. §

**MEMORANDUM ADOPTING THE REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 28, 2023, the Report of the Magistrate Judge, (Dkt. #127), was entered containing proposed findings of fact and recommendations that Defendants Officer Munn, Lieutenant Rodriguez, Officer Burrs, Lieutenant Leahy, Lieutenant Smart, Officer Hernandez, Officer Alexander, and Officer Ray’s Motion to Dismiss and Brief in Support, (Dkt. #63), be granted and *pro se* Plaintiff Brian Allen Kibbey’s claims against such Defendants, and Defendants Officer FNU KEO and Justin Wilson, be dismissed. Having assessed the Report, and no objections thereto having been timely filed, the Court determines that the Magistrate Judge’s Report should be adopted.

It is therefore **ORDERED** that Defendants Officer Munn, Lieutenant Rodriguez, Officer Burrs, Lieutenant Leahy, Lieutenant Smart, Officer Hernandez, Officer Alexander, and Officer Ray's Motion to Dismiss and Brief in Support, (Dkt. #63), is **GRANTED**. *Pro se* Plaintiff Brian Allen Kibbey's claims against these Defendants, and Defendants Officer FNU Keo and Justin Wilson, are **DISMISSED**.

So ORDERED and SIGNED this 20th day of March, 2023.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE